

1 **LEW BRANDON, JR., ESQ.**
2 Nevada Bar No. 5880
3 **RYAN VENCI, ESQ.**
4 Nevada Bar No. 7547
5 **BRANDON | SMERBER LAW FIRM**
6 139 E. Warm Springs Road
7 Las Vegas, Nevada 89119
8 (702) 380-0007
9 (702) 380-2964 – *facsimile*
10 l.brandon@bsnv.law
11 r.vinci@bsnv.law
12 *Attorneys for Defendant,*
13 99 CENTS ONLY STORES, LLC d/b/a
14 99 CENTS ONLY STORES

10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 RICKY HINTON,
14 Plaintiff,
15 vs.
16 99 CENTS ONLY STORES LLC d/b/a 99
17 CENTS ONLY STORES; DOES I-X; ROE
18 ENTITIES I-X, inclusive,
19 Defendants.

20 CASE NO.: 2:24-cv-00431-APG-BNW

21 **STIPULATED DISCOVERY PLAN**
22 **AND SCHEDULING ORDER**

23 **SPECIAL SCHEDULING REVIEW**
24 **REQUESTED**

25 Pursuant to Local Rules 26-1(b), the parties respectfully submit the following stipulated
26 discovery plan and jointly request that the Court: 1) approve this plan, and 2) implement the plan
27 as a scheduling order. The FRCP 26(f) conference was held on March 11, 2024, by BRITTANY
28 A. YOUNG, ESQ., and KORY L. KAPLAN, ESQ., of KAPLAN YOUNG, for Plaintiff, RICKY
HINTON and LEW BRANDON, JR., ESQ., and RYAN VENCI, ESQ., of BRANDON |
SMERBER LAW FIRM, for Defendant, 99 CENTS ONLY STORES LLC d/b/a 99 CENTS
ONLY STORES. The parties propose the following discovery plan:

29
30 ///

1. **Subjects on which discovery may be needed (Fed. R. Civ. P. 26(f)(3)(A)):**

2 Discovery will be needed on the facts and circumstances surrounding the allegations in
 3 the complaint, namely the issues of Defendants' liability and damages suffered by Plaintiff.
 4

2. **Discovery Cut-Off Date (Fed. R. Civ. P. 26(f)(3)(A), LR 26-1(b)(1)):**a) **Date of Defendant's answer or appearance (LR 26-1(b)(1)):**

7 Defendant filed its Notice of Removal on **January 23, 2024**. Defendant filed its Answer in the
 8 Eighth Judicial District Court for the State of Nevada on December 20, 2023.
 9

b) **Statement of the reasons why longer or different time periods should apply to
 the case (LR 26-1(a)):**

12 The parties request an extended discovery schedule for this case because of the complexity of
 13 the case, the number of medical providers, and the anticipated delays with the obtaining of
 14 verified medical specials. Therefore, rather than the standard discovery period of 180 days, the
 15 parties request that the scheduling order allow for 270 days of discovery from the date of the
 16 Rule 26(f) conference in order to avoid having to request an extension from this Court in the
 17 future. This request for additional time is not meant for the purposes of delay or with any
 18 dilatory motive.
 19

c) **Proposed discovery cut-off (LR 26-1(b)(1)):**

21 Consistent with § 2(a) above, discovery shall close on: **December 6, 2024** (270 days from the
 22 date of Defendant's first appearance before this Court).
 23

3. **Amendment of Pleadings and Adding Parties (LR 26-1(b)(2)):**

25 Motions to amend pleadings and add parties shall be filed no later than ninety (90) days
 26 before the close of discovery: **September 6, 2024**.
 27

4. **Disclosures (Fed. R. Civ. P. 26(f)(3)(A); LR 26-1(b)(3)):**a) **Initial disclosures:**

1 Initial disclosures shall occur on or before: **April 1, 2024.**

2 b) **Initial expert disclosures:**

3 Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(i), initial expert disclosures shall be due no later
4 than sixty (60) days before the close of discovery: **October 7, 2024.**

5 c) **Rebuttal expert disclosures:**

6 Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii), rebuttal expert reports shall be due no later
7 than thirty-one (30) days before the close of discovery: **November 6, 2024.**

8 5. **Dispositive Motions (LR 26-1(b)(4)):**

9 The deadline for filing dispositive motions shall be thirty (30) days after the close of discovery:
10 **January 6, 2025.**

11 6. **Joint Pre-Trial Order (LR 26-1(b)(5), (6)):**

12 The joint pre-trial order shall be filed no later than thirty (30) days after the date set for
13 filing dispositive motions: **February 5, 2025.** The joint pre-trial order shall include the
14 disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them.

15 7. **Alternative Dispute Resolution (LR 26-1(b)(7)):**

16 Counsel for the parties certify that they met and conferred about the possibility of using
17 alternative dispute resolution including mediation, arbitration and/or an early neutral evaluation.
18 The parties agree that an early neutral evaluation would not be effective at this time as the
19 parties and their counsel believe that it is necessary to conduct discovery before attempting to
20 resolve this case. Counsel further agree that a settlement conference will be beneficial after
21 discovery is concluded. Finally, the parties and their counsel are not interested in submitting this
22 case to arbitration.

23 / / /

24 / / /

1 8. Alternative Forms of Case Disposition (LR 26-1(b)(8)):

2 The parties certify that they have considered consent to trial by a magistrate judge under
3 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order
4 2013-01) but do not consent to those forms of dispute resolution at this time.
5

6 9. Electronic Evidence (LR 26-1(b)(9)):

7 The parties certify that they have discussed and intend to use electronic evidence at the trial of
8 this matter and will ensure that said evidence is in an electronic format compatible with the
9 Court's electronic jury evidence display system. At present, the parties have not agreed upon any
10 stipulations regarding use of electronic evidence but will address this issue again in the Pre-Trial
11 Order.
12

13 DATED this 1st day of April 2024.

14 DATED this 1st day of April 2024.

15 **BRANDON | SMERBER LAW FIRM**

16 **KAPLAN YOUNG**

17 */s/ Lew Brandon, Jr., Esq.*

18 *Brittany Young, Esq.*

19 **LEW BRANDON, JR., ESQ.**

20 **BRITTANY A. YOUNG, ESQ.**

21 Nevada Bar No. 5880

22 Nevada Bar No. 13663

23 **RYAN VENCI, ESQ.**

24 **KORY L. KAPLAN, ESQ.**

25 Nevada Bar No. 7547

26 Nevada Bar No. 13164

27 139 E. Warm Springs Road

28 10091 Park Run Drive, Suite 190

29 Las Vegas, Nevada 89119

30 Las Vegas, Nevada 89145

31 *Attorneys for Defendant,*

32 *Attorneys for Plaintiff,*

33 **99 CENTS ONLY STORES, LLC d/b/a**

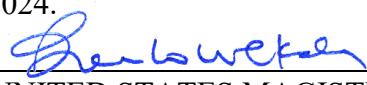
34 **RICKEY HINTON**

35 **99 CENTS ONLY STORES**

36 ORDER

37 **IT IS SO ORDERED**

38 Dated this 2 day of April, 2024.

39 
40 UNITED STATES MAGISTRATE JUDGE
41 HONORABLE BRENDA N. WEKSLER